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असाधारण

EXTRAORDINARY

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on 11th August, 2006:—

I

BILL No. LXI OF 2006

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 2006. Short title and commencement.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In the Representation of the People Act, 1951, in section 29A, after sub-section (9), the following proviso shall be inserted namely:— Amendment of Section 29 of Act 43 of 1951.
“(10). Notwithstanding any order of the Commission issued under the Election Symbols (Reservation and Allotment) Order, 1968, recognition of any National Party or State Party, shall not be withdrawn except by or under provisions of this section.”

STATEMENT OF OBJECTS AND REASONS

The Election Commission of India under the Election Symbols (Reservation and Allotment) Order, 1968 has made a provision which empowers the Commission to withdraw recognition of a recognised political Party for its failure to observe Model Code of Conduct or follow lawful directions and instructions of the Election Commission, if the Commission is satisfied on information in its possession that a political party recognised either as a National Party or a State Party has failed or has refused or is refusing or has shown or is showing defiance by its conduct or otherwise (a) to observe the provisions of the "Model Code of Conduct for Guidance of Political parties and Candidates" as issued by the Commission in January, 1991 or as amended by it from time to time, or (b) follow or carry out the lawful directions and instructions of the Commission given from time to time with a view to furthering the conduct of free, fair and peaceful elections or safeguarding the interests of the general public and the electorate in particular.

In fact, article 324 of the Constitution which is merely regulatory in nature and confers up on the Commission very limited powers cannot be construed as conferring powers of making substantive provisions, which come under the domain of Parliament.

Registration of Political Parties is not that insignificant a matter to be dealt with under Election Symbols (Reservation and Allotment) Order, 1968. Such an aspect has necessarily to be a part of the Representation of the People Act, 1951 which deals with important substantive law relating to holding of elections in the country.

If violation of Code of Conduct is required to be punished, the provisions of the Code of Conduct, should, first be included in the Representation of the People Act, 1951, in which, punishment for various kinds of violations with respect to Code of Conduct can be provided for.

It is not proper that the said 1968 Order provides for punishment for violation of Code of Conduct, which is still in the form of a Code, with as harsh a punishment as withdrawing of recognition of political parties.

On account of such an irrational punishment, the Commission has, at no time, been able to punish any political party for the violations, small or big, that they have done with respect to the Code of Conduct.

Hence the Bill.

SHANTARAM LAXMAN NAIK

II

BILL NO. LXXIII OF 2006

A Bill further to amend the Registration Act, 1908.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Registration (Amendment) Act, 2006.

Short title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 71 of the Registration Act, 1908, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment
of section 71
of Act No. 16
of 1908.

"(3) Notwithstanding anything contained in any other law for the time being in force, where any document required to be registered under the provision of sub-section (1) of section 29 of this Act, purports to transfer assign, limit or extinguish the right, title or interest of any person, to or in any property or land by a citizen in favour of a person residing outside India, no registering authority appointed under this Act, shall register such document, unless the person residing outside India produces before the registering authority documentary proof of all the statutory requirements needed to be complied with under any Act of Parliament or the State Legislature in matters of sale or purchase of immovable property particularly by person residing outside India as defined in the Foreign Exchange Management Act, 1999."

STATEMENT OF OBJECTS AND REASONS

In recent years increasing number of foreign nationals are buying immovable properties in India. Although, the New Economic Policy of government is encouraging foreigners to venture into business in this country, absence of effective regulatory mechanism in the matter of their dealings in immovable properties in India has created confusion leading to certain unscrupulous elements taking undue advantage of the situation.

The Foreign Exchange Management Act, 1999, provides for certain restrictions in the matter of dealings in immovable properties in India by persons residing outside India.

However, the Registration Act, 1908, does not contain any provision to direct the sub-registrars authorized to register deeds to ask for documentary proof of various statutory requirements with respect to immovable properties proposed to be purchased by persons residing outside India.

As a result, deeds with respect to immovable properties are registered in the offices of registering authorities without compliance of the provision of the Foreign Exchange Management Act, 1999, and other laws.

A provision in the Registration Act 1908, is therefore required to authorize registering authority to demand from person residing outside India necessary compliance of the law of the land.

Hence the Bill.

SHANTARAM LAXMAN NAIK

III

BILL NO. LXXII OF 2006

A Bill to provide for compulsory quoting of source law while publishing notifications, orders, circulars, tenders etc. for bringing in transparency in government functioning and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Quoting of Source Law Act, 2006.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India except to the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the official gazette, appoint, however different dates may be appointed for different States and Union Territories.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate government" means in case of a State, the Government of that State and in other cases, the Central Government;

(b) "publishing" means publishing through official gazette;

(c) "prescribed" means prescribed by rules made under this Act.

Compulsory
quoting of
source law by
appropriate
government.

3. Notwithstanding anything contained in any other law for the time being in force, it shall be compulsory for the appropriate government to quote the provisions of the source law viz. Constitution of India, Act of Parliament or State Legislature, rules, regulations, bye-laws etc. while publishing notifications, orders, circulars, tenders etc., thereunder.

Power to
make rules.

4. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provision of this Act.

STATEMENT OF OBJECTS AND REASONS

The Central Government as well as State Governments publish, from time to time notifications, orders, tenders, etc. in Official Gazettes, newspapers and other print media. However, in most of the cases, the source law, viz. Constitution of India, act of Parliament or the act of a State Legislature, rules, regulations or byelaws, under which these are issued, do not find mention therein.

In order to ensure transparency in the administration public should know all the relevant aspects of government orders, notifications, tenders etc. which are published under the authority of concerned source law.

Public companies, corporations or other bodies affected by such notifications, orders, etc. will get a clear idea if such source of law under which these documents are published, is made known to them.

This will also prevent the authorities concerned from issuing notifications or orders, etc. which are outside the scope of the law.

Hence this Bill.

SHANTARAM LAXMAN NAIK

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for the purposes of this Bill. The rules relate to matters of details only.

The delegation of legislative power is of a normal character.

IV

BILL No. LXXI OF 2006

A Bill to provide for the compulsory identification of illegal immigrants to the country from the neighbouring countries and those foreign nationals who are overstaying in the country or have gone missing after the expiry of their visas and for their deportation to their countries of origin by setting up a National Commission for that purpose and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the illegal Immigrants and overstaying Foreign Nationals (Identification and Deportation) Act, 2006.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government

(b) "Commission" means the National Commission on illegal Immigrants and Foreign Nationals established under section 3;

(c) "illegal immigrant" means any person who comes to India without any visa or proper and valid documents issued by the designated Authority of the Government of India in any foreign country;

(d) "prescribed" means prescribed by rules made under this Act;

31 of 1946.

(e) terms and expressions used and not defined in this Act but defined in the Foreigners Act, 1946 shall have the meanings respectively assigned to them in that Act.

3. (1) The Central Government shall, as soon as may be, establish a Commission to be known as the National Commission on Illegal Immigrants and Foreign Nationals, for the purposes of this Act.

Establishment
of Commission.

(2) The Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.

(3) The Commission shall consist of,—

(i) a chairperson who shall be a serving or a retired judge of the Supreme Court to be appointed by the President in consultation with the Chief Justice of the Supreme Court; and

(ii) Three other members to be appointed by the President.

(4) The Chairperson and other members of the Commission shall hold office for a term of five years and shall be entitled to such salaries and allowances as may be prescribed.

(5) The Head office of the Commission shall be at Bhubaneswar in the State of Orissa.

(6) The Commission shall have a Secretariat consisting of a secretary and such other officers and employees to assist the Commission in discharging its functions with such terms and conditions of service as may be prescribed and determined by the Central Government from time to time.

(7) The Commission while discharging its functions shall follow such procedure and meet in such manner as may be prescribed.

4. (1) The Central Government shall also by notification in the Official Gazette, establish a State Commission on Illegal Immigrants and Foreign Nationals for a State or a group of States for the purposes of this Act.

State
Commission.

(2) The State Commission shall consist of,—

(i) a Chairperson who shall be a serving or retired judge of a High Court; and

(ii) four other members.

(3) Provisions of Commission relating to tenure of office, salary and allowances, secretariat and procedure to be followed shall apply *mutatis mutandis* to the State Commission.

5. (1) The Commission shall perform the following functions, namely:—

Functions
of the
Commissions.

(a) prescribe guidelines for the State Commissions for identifying illegal immigrants and their nationality and those foreign nationals who are overstaying in the country;

(b) hear any complaint against or appeal against the findings of any State Commission;

(c) identify illegal immigrants and their nationality and the foreign nationals overstaying in the Union Territories;

(d) direct the appropriate Government for the deportation of illegal immigrants and foreign nationals found overstaying in the country;

(e) facilitate speedy hearing of cases against illegal immigrants and overstaying foreign nationals; and

(f) take such measures as the Commission may deem necessary for the purposes of this Act.

(2) The State Commission shall perform the following functions, namely:—

(a) carry out necessary exercise as per the guidelines issued by the Commission to identify illegal immigrants and their nationalities and those overstaying foreign nationals in their respective areas of jurisdiction;

(b) prepare and forward the list of the identified illegal immigrants and overstaying foreign nationals to the Commission and the appropriate Government for their deportation from the Country; and

(c) discharge such other functions as may be assigned to it by the Commission.

Power of the Commission to direct the Governments.

6. (1) Notwithstanding anything contained in any other law for the time being in force, the Commission may direct the appropriate Government to,—

(i) stop all assistance enjoyed by the illegal immigrants and overstaying foreign nationals with immediate effect.

(ii) impound the ration card, voters identity card in the possession of illegal immigrants and overstaying foreign nationals.

(iii) delete the names of illegal immigrants and overstaying foreign nationals from the electoral rolls of the territorial jurisdiction of the respective Governments.

(iv) terminate the services of illegal immigrants and overstaying foreign nationals in case they have got employment either in public or private sector;

(v) take necessary action to recover the loans borrowed by illegal immigrants or overstaying foreign nationals; and

(vi) take immediate action for deporting the illegal immigrants and overstaying foreign nationals to their countries.

(2) The appropriate Government shall as soon as may be, take such action as directed by the Commission.

Representations to the Commission.

7. (1) Any person, aggrieved or who has any complaint against a decision or finding of any State Commission shall be entitled to represent to the Commission who shall hear the same and dispose it of within one month.

(2) Every person who represents to the Commission under sub-section (1) shall be given an opportunity of being heard before disposing of such application by the Commission.

Inconvenience not to be caused to bonafide citizens.

8. The appropriate Government and the State commission shall ensure that no inconvenience is caused to any bonafide citizen of the Country during the enforcement of the provisions of this Act.

Central Government to provide funds.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this act.

Act to have overriding effect.

10. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to illegal immigrants or overstaying foreign nationals in the country.

Power to make rules.

11. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

There are millions of illegal immigrants in our country who have come from our neighbouring countries and are staying in our country. Unfortunately, their infiltration into our country is going on unabated. Our country is already overpopulated and struggling to provide the basic necessities of life to its own citizens and can not in any way afford to feed and sustain these illegal immigrants. They are not only increasing the number of our booming population, but also indulging in criminal and anti-national activities. They are helping the extremist activities against our nation and are responsible for creating law and order problem in the country. The population of illegal immigrants has swelled even in the national capital which has become unsafe for the people. Since they are from the neighbouring countries, they easily mix up with the local population and it is not easy to detect them. Similarly, thousands of foreign nationals who come to our country on a short time visa disappear and overstay even after the expiry of their visa period. They too are indulging in terrorist activities. But, unfortunately, many of them have got themselves enrolled as voters in the country and have also acquired ration cards and electors card to show themselves as Indian Citizens. As such they are creating difficulties for the genuine citizens and usurping their rights. It has, therefore, become necessary to identify them and deport them to their countries.

One Central Law, namely, the Illegal Migrants (Determination by Tribunals) Act, 1983 was there to deal with the illegal immigrants but the same has been declared ultra vires of the Constitution by the Supreme Court of India. As such practically there is no law at present to deal with the problem of illegal immigrants in the country except invoking the provisions of the Foreigners Act, 1946. Hence it has become necessary to have a Central Law to deal with this serious issue.

Hence this Bill.

B.J. PANDA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the National Commission on Illegal Immigrants and Foreign Nationals. Clause 4 of the Bill provides for the establishment of a State Commissions for a State or for a group of State. Clause 9 provides that Central Government shall provide adequate funds for carrying out the purposes of this Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two hundred crore will involve as recurring expenditure per annum.

A sum of rupees fifty crore may also involve as non recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

V

BILL NO. LXVIII OF 2006

A Bill to provide for the promotion of two child norm to control population explosion by the state so as to make it commensurate with its economic and social development and with the ecological balance through incentives and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Promotion of Two-Child Norm Act, 2006.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Definition.

2. In this Act, unless the context otherwise requires, "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government.

3. It is hereby declared that the provisions of this Act are for the purpose of giving effect to the policy of the State towards securing the principles envisaged in article 38 of the Constitution of India.

Declaration as to policy of the State.

4. The Central Government shall with the co-operation of Governments of the States promote two child norm amongst the eligible couples in the country and shall adopt such measures as may be necessary to achieve the objective.

Promotion of two child norm.

5. Notwithstanding anything contained in any other law for the time being in force a citizen shall be disqualified for being chosen as a Member of either House of Parliament, or of the Legislature of a State, or a local body, as the case may be, if that citizen has more than two living children:

Disqualification for being elected to Parliament, State Legislatures and local bodies.

Provided that the provisions of this section shall not apply in case of a citizen having more than two living children on the date of commencement of this Act.

6. Every employee of the Government, a Public Sector Enterprise of semi Government, local Government, or autonomous body or organization funded by the Government in any manner, whatsoever, shall strictly follow two child norm and whoever has more than two living children shall not be eligible for any further increment and promotion during the tenure of his service:

Two child norm for Government employees.

Provided that the provision of this section shall not apply to an employee who has more than two living children on the date of coming into force of this Act.

7. Notwithstanding any custom, tradition or anything contained in any other law for the time being in force, no person shall, after one year from the commencement of this Act, procreate more than two children.

Two child norm for the general public.

8. (1) A married couple who has no child shall be given following incentives by the appropriate Government, namely:—

Incentives for adoption of small family norm.

- (a) a dwelling unit free of cost;
- (b) one time out of turn promotion to the government employee;
- (c) free medical facilities, pension, food and shelter in their old age.

(2) A married couple who have only one child and if either of them voluntarily undergo sterilisation shall be given the following incentives by the appropriate Government, namely:—

- (a) a dwelling unit at subsidised or concessional rates;
- (b) free education including technical and medical education to the child;
- (c) one time out of turn promotion to a government employee;
- (d) one time cash reward, as may be prescribed;
- (e) employment to the child after completion of his education.

(3) A married couple having two living children and if either of them voluntarily undergoes sterilisation shall be given the following facilities by the appropriate Government, namely:—

- (a) free education including higher and technical education to both the children;
- (b) job to the children after completion of their education;
- (c) two extra increments to Government employees and one time cash reward of ten thousand rupees to those who are not Government employees;
- (d) preferential allotment of dwelling unit under Government housing schemes;
- (e) such other facilities as the appropriate Government may deem necessary.

Disincentives
for violation
of the Act.

9. Notwithstanding anything contained in any other law for the time being in force, any person who procreates more than two children after one year from the commencement of this Act shall not be entitled to the following facilities, namely:—

- (a) essential ration items including fuel like kerosene, etc. from public distribution system;
- (b) allotment of house from a housing scheme sponsored by the appropriate Government or its agencies;
- (c) availing of any welfare or social security scheme;
- (d) free maternity facilities in any Government hospital, dispensary, etc.
- (e) availing loan facility from any public sector Bank or Financial Institution;
- (f) such other disincentives as may be prescribed.

Introduction
of population
control as a
subject in
educational
institutions.

10. The appropriate Government shall introduce population control as a compulsory subject in all educational institutions in such manner as may be prescribed.

Restriction on
age of marriage.

11. Notwithstanding anything contained in any other law for the time being in force, no marriage shall be solemnised between a male who is less than twenty-five years of age and a female who is less than twenty-one years of age and any marriage solemnised in contravention of the provisions of this section shall be void.

Central
Government to
provide funds.

12. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate fund for carrying out the purposes of this Act from time to time.

Act to have
overriding
effect.

13. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to
make rules.

14. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

After China, ours is the most populous country and we have already crossed the one billion mark and if this explosion of population is not checked effectively within another ten to fifteen years, China will be left far behind and ours will become the most populous nation. Having only 2.4 per cent of global land area we have more than 20 per cent of the world population which has made our country one of the most densely populated nation in the world. This has given rise to unparalleled transformation of human values, social institutions and economic structures. Due to overcrowding caused by population explosion, law and order situation in most of the parts of the country is deteriorating day by day. Incidents of Robberies, snatching, stealing, rapes, murders and other crimes are rising. Unemployment among the youth more so amongst the educated ones is rising menacingly and the gap between the haves and have-nots is creating explosive situations. In most parts of the country, agricultural land holdings are fast becoming smaller and smaller and uneconomical because of its division generation after generation. The housing needs in urban as well as in rural areas are far beyond the available finances and educational facilities are hopelessly inadequate to meet even with the existing demands let alone the future ones. The population explosion is adversely affecting the ecological balance of our nation. The drinking water has become scarce. The ground water level has alarmingly gone down and has become contaminated and poisonous. The jungles are fast depleting resulting in less rains causing frequent droughts. Air, water and noise pollution has risen to dangerous levels. The civic amenities have almost broken down throughout the country. Thus the entire scenario has become alarming due to ever increasing population. Since there is no balance between population growth and the available resources, a developing nation like ours can hardly expect to achieve a quality life by adding further to her numbers day by day.

Therefore, the time has come to check the population growth effectively and this menace has to be tackled at all levels. The situation has become alarming due to apathy of populace to foresee this population explosion time bomb which will create a havoc if strong measures are not taken at the earliest to defuse this time bomb. For this, two child norm has to be enforced stringently and incentives and disincentives have to be introduced otherwise the growing population will certainly hamper the progress and prosperity of the nation.

Hence this Bill.

B. J. PANDA

FINANCIAL MEMORANDUM

Clause 8 of the Bill provides for incentives for adoption of small family norm. Clause 12 of the Bill provides that the Central Government shall, after due appropriation made by Parliament by law provide adequate fund for carrying out the purposes of this Act from time to time. It is estimated that a sum of rupees one thousand crore may involve as recurring expenditure per annum.

Non recurring expenditure to the tune of rupees five hundred crore may also involve from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matter will relate to details only, the delegation of powers is of normal character.

VI

BILL NO. LXVII OF 2006

A Bill to provide for the relief, compensation and rehabilitation measures through employment and other means for the persons affected by naxalites or maoist terrorism in various parts of the country particularly in Orissa, Chhattisgarh, Jharkhand, Andhra Pradesh, Madhya Pradesh, Maharashtra, etc. and for matters connected therewith and incidental thereto

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Persons Affected by Naxalite Terrorism (Relief and Rehabilitation) Act, 2006.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(1) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government.

45 of 1860
2 of 1974
37 of 1967

(2) "prescribed" means prescribed by rules made under this Act.

(3) words and expressions used and not defined in this Act but defined in the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973 and the Unlawful Activities (Prevention) Act, 1967 shall have the meanings respectively assigned to them in those Acts.

3. Notwithstanding anything contained in any other law for the time being in force, the dependents of a citizen who loses his life in naxalite or maoist violence shall be given relief by the appropriate Government by paying,—

Compensation to the dependents of persons killed by naxalites.

(i) an *ex-gratia* grant in the form of compensation of such amount which shall not be less than five lakh rupees in such manner as may be prescribed; and

(ii) financial assistance at the rate of two thousand rupees per month for such period as may be prescribed.

Explanation—For the purposes of this section "dependents" include spouse, children and aged parents who are dependent on the deceased.

4. Any person who is attacked by naxalite or maoist terrorists but survives the attack and receives severe injuries thereby permanently incapacitating him or seriously injuring him, the appropriate Government shall,—

Compensation to persons surviving but wounded by naxalite violence.

(i) bear the entire costs of his medical treatment; and

(ii) pay an *ex-gratia* grant as compensation of not less than two lakh rupees in such manner as may be prescribed.

5. (1) Where the dwelling unit of any family is destroyed or damaged due to torching or bombing by the naxalites or maoists the appropriate Government shall,—

Compensation for other losses.

(a) provide a dwelling unit to such family in such manner as may be prescribed; and

(b) bear the entire cost of repairs of the damaged dwelling unit.

(2) Where the livestock of a person is eliminated or killed or his standing crop is destroyed by the naxalites, the appropriate Government shall pay adequate compensation to the owner of the livestock or the crop, as the case may be, in such manner as may be prescribed.

(3) Where the business establishment or shop or kiosk or hawking apparatus of a person is destroyed or damaged in naxalite or maoist violence, the appropriate Governments shall pay such compensation to the owner as may be prescribed.

6. (1) The Central Government, as soon as may be, in consultation with the Governments of the States affected by naxalite or maoist violence, shall formulate a national policy for those naxalites who wish to shun violence and return to the mainstream of the nation under the Constitution for their rehabilitation through general amnesty and by providing them with employment, assistance for self employment and other means as that Government may deem necessary to do so in the national interest.

Miscellaneous provisions.

(2) The appropriate Government may, if it deems fit, expedient and necessary to do so, promote village level security system through teams of volunteers for the protection of their village from naxalite or maoist violence and provide the volunteers with necessary weapons, and ammunition from time to time in such manner as may be prescribed.

7. The Central Government shall provide, after due appropriation made by Parliament by law in this behalf, adequate funds to the States affected by naxalite or maoist violence for carrying out the purposes of this act.

Central Government to provide funds.

Act to have
overriding
effect.

8. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to
make rules.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Many parts of our country are in the grip of Naxalite violence being spearheaded by disgruntled elements mostly youth who identify themselves with different names such as naxalites, Peoples War Group (PWG), Maoists, Leninist-Maoist, etc. The worst affected states are Chhattisgarh, Jharkhand and parts of Andhra Pradesh, Orissa, Maharashtra, Bihar, Uttar Pradesh, Madhya Pradesh, West Bengal, Karnataka and Tamil Nadu, etc. The Naxalites are killing hundreds of innocent people, policemen, personnel of paramilitary and armed forces, men, women and children every year just to create panic and spread terror. Houses and shops are being torched or blown up. Even the thatched huts of the poorest of the poor are not being spared. Crops too are being destroyed. They kidnap innocent people for ransom. They attack Police Stations to loot the weapons and kill the Policemen. They blow vehicles with mines. In Naxalite affected areas people do not venture out of their houses in the evening or night time. They collect illegal taxes and in many areas they are running parallel Governments.

Despite the fact that innocent people are killed or injured in Naxalite violence, they are not compensated at all or a meagre sum is given as compensation with much hassles. Similar is the case of losers of houses, livestock, crops, establishments of business, etc. In a democratic country like ours, it is the duty of the State to protect the life and property of its citizens and if the State fails to give the required protection, the affected persons and their dependents should be duly compensated by the State.

Similarly, the disgruntled and misguided youth who join these outfits for variety of reasons should be brought back to the mainstream of the Nation. They should be given amnesty, employment opportunities and other incentives. There should be a national policy for these naxalites who too are the citizens of this nation.

Hence this Bill.

B. J. PANDA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the compensation to the dependents of persons killed by naxalites. Clause 4 provides for compensation to persons surviving but wounded by naxalite violence. Clause 5 provides for compensation for other losses. Clause 6 provides for miscellaneous provisions and clause 7 makes it mandatory for the Central Government to provide funds for carrying out the purposes of this Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore may involve as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

YOGENDRA NARAIN,
Secretary-General.